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MAY 27 1988



**UNITED STATES DEPARTMENT OF COMMERCE  
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FS/JVN/tm  
Paper No. 64

In re Application of  
Ole K. Nilssen  
Serial No. 787,692  
Filed: October 15, 1985  
For: INVERTER WITH RESONANT  
L-C CIRCUIT

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ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed February 1, 1988, requesting review of the decision of the Director of Examining Group 210.

The file record discloses that a timely appeal brief was filed December 28, 1987. That brief was returned to petitioner by the Director of Group 210 since he found the concluding remarks to have violated 37 CFR 1.3. Additionally, the Director of Group 210 stated that "the period for filing a brief continues to run from the filing date of the Notice of Appeal, that is, November 30, 1987".

Petitioner request review of the Group Director's decision with regard to the appeal brief's compliance with 37 CFR 1.3. In addition, petitioner requests the Commissioner to inform the petitioner in respect to the level of skill possessed by the subject examiner.

37 CFR 1.3 requires that applicants conduct their business with the Patent and Trademark Office with decorum and courtesy. Papers presented in violation of that requirement can be returned.

A review of the appeal brief clearly discloses a lack of decorum and courtesy in reference to the Examiner's ability. A review of the record has revealed that in an Office action, paper No. 43, mailed March 26, 1986 this Office has returned amendment A, paper No. 42, filed March 10, 1986 for similar reasons. There is no excuse for applicant's lack of decorum and courtesy in official proceedings. The Office should not and will not tolerate a lack of decorum from applicant. Accordingly, the decision of the Director of Group 210 to return the appeal brief to applicant was correct.

The application file is being forwarded to Group 210.

The petition is granted to the extent that the decision of the Director has been reviewed but is denied with respect to making any change therein.



James E. Denny  
Deputy Assistant Commissioner for Patents

Ole K. Nilssen  
Caesar Drive, RR-5  
Barrington, IL 60010